STATE OF NEW YORK

5545

2021-2022 Regular Sessions

IN SENATE

March 10, 2021

Introduced by Sens. MAYER, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to absentee ballots for school district elections during a declared disaster emergency; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph a of subdivision 2 of section 2018-a of the education law, as amended by chapter 616 of the laws of 2019, is amended to read as follows:

a. A qualified voter may vote as an absentee voter under this section if during all the hours of voting on the day of an election he or she will be:

(1) absent from the county of his or her residence; or

(2) unable to appear at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital**, provided that, for purposes of this subparagraph, "illness" shall include, but not be limited to, instances where a voter is unable to appear personally at the polling place of the school district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public**; or

(3) an inmate or patient of a veteran's administration hospital; or

(4) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. Paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

a. An applicant for such an absentee ballot shall submit an application setting forth (1) his name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he is or will be, on the day of the school district election, a qualified voter of the school district in which he resides in that he is or will be, on such date, over eighteen years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date; (3) that he will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because he is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability [~~or~~], **provided that, for purposes of this paragraph, "illness" shall include, but not be limited to, instances where a voter is unable to appear personally at the polling place of the school district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public,** (b) because his duties, occupation, business, or studies will require him to be outside of the county or city of his residence on such day, (c) because he will be on vacation outside the county or city of his residence on such day; or, (d) absent from his voting residence because he is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony. Such application must be received by the district clerk or designee of the trustees or school board at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

§ 3. Paragraph s of subdivision 2 of section 1951 of the education law, as added by chapter 722 of the laws of 2005, is amended to read as follows:

s. The board of cooperative educational services shall provide absentee ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such absentee ballots shall be submitted; providing that such absentee ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any absentee ballot applicant is or will be, on the day of the vote, a qualified voter of the board of cooperative educational services and that he or she will be on such date over eighteen years of age, a citizen of the United States and has or will have resided in said district for thirty days next preceding such date; and providing instructions as to the proper marking thereof. **For purposes of this paragraph, qualified voters of a board of cooperative educational services may request an absentee ballot subject to the conditions set forth in paragraph a of subdivision two of section two thousand eighteen-b of this title.**

§ 4. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2022.